

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHON M. BENNETT

v.

C/O WASHINGTON, et al.

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CIVIL ACTION

NO. 11-176

ORDER

AND NOW, this 9th day of January, 2013, upon consideration of the Motion to Dismiss filed by Defendants Prison Health Services (“PHS”) and Kim Daniels (Docket No. 50), and the Motion to Dismiss filed by Defendants the City of Philadelphia (“the City”), Elizabeth Henry, and Malachi White (Docket No. 55), and all documents filed in connection thereto, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. PHS’s and Kim Daniels’s Motion for Leave to File a Reply Brief (Docket No. 54) is **GRANTED**.
2. The Motion to Dismiss filed by PHS and Kim Daniels is **GRANTED**, and the claims against PHS and Kim Daniels are **DISMISSED**.
3. The Motion to Dismiss filed by the City, Elizabeth Henry, and Malachi White is **GRANTED** insofar as it seeks dismissal of the claims against the City, and the claims against the City are **DISMISSED**.
4. The Motion to Dismiss filed by the City, Elizabeth Henry, and Malachi White is **DENIED** insofar as it seeks dismissal of the claims against Elizabeth Henry and Malachi White.
5. Plaintiff is granted leave to file a Second Amended Complaint that includes the claims against Henry and White which have not been dismissed, and also asserts cognizable claims against PHS, Daniels, and the City. Any Second Amended Complaint shall be filed within 21 days of the date of this Order.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.